Volume XVI, Issue 2

June 2005

STATE BOARD OF REFRIGERATION EXAMINERS

Refrigeration Up-date

Modifications To Section 608 Rules

By Nancy M. Smagin

Some minor administrative revisions to the 608 rules have been made over the last year, mostly for the purpose of clarifying their limitations. Copies of these modifications to the rules are available to print-out at the EPA website at http://www.epa.gov/ozone/title6/608 (Excerpts from the rules may be found beginning on page 2 of this newsletter. The revisions which have been made include: An Amendment to the Definition of Refrigerant to clarify that the March 12 ,2004 Final Rule did not intend to restrict the sale of substitutes that do not contain class I or class II ozone-depleting substances, e.g., HFC's and PFC's used as substitutes for class I or class II substances.

Certification is not required when using substitutes that do not deplete the ozone layer, e.g. 410a.

The 608 technician certification requirements will undergo some minor clarifying revisions this Fall, but the program will essentially remain in full-effect as we know it into the distant future. There will be no requirement for recertification under this program. The refrigerant 410a is not regulated under Section 608, and therefore does not require EPA certification, because it is not an ozone depleting substance. Certification programs for 410a are being encouraged by equipment manufacturers, but participation in them in not mandated by this EPA program, and will not be in the future.

Certification is permanent

No recertification will be required

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2005 Refrigeration Up-Date in a Nut Shell

The recent Up-Date and Trade Show held in Clemmons, NC on April 1st for licensees and other interested parties was declared a success by those in attendance. This year's Up-Date was designed for all levels of industry professionals.

Participants were able to see, touch and explore the latest products and services with representatives of the thirty-six vendors taking part in the show.

A highlight of the meeting was workshops sponsored by Mueller Industries, The Copeland Corporation and the NC Department of Labor, OSHA.

Vendors participating this year were:

A-1 Compressor. Remanufacturer of semi-hermetic refrigeration and A/C compressors. Manufacturer of semi-hermetic condensing units.

ACR Supply Company, Inc. Founded by L.C. Meachum in 1977 in Durham, NC, ACR Supply Company, Inc. is primarily focused in the marketing and wholesale distribution of air conditioning, refrigeration and heating replacement parts and supplies throughout central NC. Our store locations are in Durham, Burlington, Carrboro, Greensboro, Raleigh and Winston-Salem, NC.

Aeroflex USA, Inc. Manufacturer of Aerocel

EPDM closed-cell flexible foam insulation. Aerocel is UV and

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Protection of Stratospheric Ozone: Substitute Refrigerant Recycling; Amendment to the Definition of Refrigerant

ENVIRONMENTAL PROTECTION AGENCY
40 CFR Part 82
[FRL-7899-3]
RIN 2060-AM51

Protection of Stratospheric Ozone: Substitute Refrigerant Recycling; Amendment to the Definition of Refrigerant

AGENCY: Environmental Protection Agency.
ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating this direct final rule to correct the final rule published in the Federal register on March 12, 2004. Specifically, EPA is amending the regulatory text for the definitions of refrigerant and technician. EPA is also amending the prohibition against venting substitute refrigerants to reflect the changes in the definitions. These changes are being finalized to make certain that the regulations promulgated on March 12, 2004 cannot be construed as a restriction on the sales of substitutes that do not consist of an ozone-depleting substance (ODS), such as pure hydrofluorocarbon (HFC) and perfluorocarbon (PFC) substitutes.

DATES: This direct rule is effective on June 13, 2005, without further notice, unless EPA receives adverse comment by May 13, 2005. If EPA receives adverse comment, the Agency will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect.

FOR FURTHER INFORMATION CONTACT: Julius Banks; (202) 343-9870; Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205J); 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The Stratospheric Ozone Information Hotline, 800-296-1996, and the Ozone Web page, http://www.epa.gov/ozone/title6/608/regulations/index.html, can also be contacted for further information concerning this correction.

SUPPLEMENTARY INFORMATION: EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comment.

I. Regulated Entities

Entities potentially regulated by this action include those that manufacture, own, maintain, service, repair, or dispose of all types of air-conditioning and refrigeration equipment (i.e., appliances as defined by Sec. 82.152); those who sell, purchase, or reclaim refrigerants and their substitutes; and those who own refrigerant recycling or recovery equipment. This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. To determine whether your company is regulated by this action, you should carefully examine the applicability criteria contained in section 608 of the Clean Air Act Amendments of 1990 (the Act). The applicability criteria are discussed below and in regulations published on December 30, 1993 (58 FR 69638). If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding FOR FURTHER INFORMATION CONTACT section.

II. Overview

On March 12, 2004 (69 FR 11946), EPA amended the rule on refrigerant recycling, promulgated under section 608 of the Act, to clarify how the requirements of section 608 apply to substitutes for chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants. This rule explicated the self-effectuating statutory prohibition against the knowing venting of substitutes to the atmosphere during the maintenance, service, repair, and disposal of appliances that became effective on November 15, 1995. The rule also exempted certain substitutes from the venting prohibition on the basis of current evidence that their release is adequately addressed by other authorities; hence, such release does not pose a threat to the environment under section 608 (69 FR 11949). EPA also amended the refrigerant recovery and recycling requirements for CFC and HCFC refrigerants to accommodate the proliferation of new substitutes for these refrigerants on the market, and to clarify that the venting prohibition applies to all substitutes and refrigerants for which EPA has not made a determination that their release ``does not pose a threat to the environment,'' including HFC and PFC substitutes. The March 12, 2004 final rule was not intended to either mandate section 608 technician certification for those maintaining, repairing, or servicing appliances using substitutes that do not consist of a class I or class II ODS or to restrict the sale of substitutes that do not contribute to the depletion of the stratospheric ozone layer, such as pure HFC and PFC substitutes (69 FR 11946).

III. Today's Action

With this action, EPA is correcting the definitions of refrigerant and technician at Sec. 82.152 and amending the prohibition against the knowing venting of substitutes at Sec. 82.154(a). These amendments are being made to reflect the intent of the March 12, 2004 final rule to not regulate the sale of substitutes that do not consist of a class I or class II ozone-depleting substance.

A. Correction to the Definition of Refrigerant

While the intent of the March 12, 2004 final rule was not to restrict the sale of refrigerant substitutes that do not contribute to the depletion of the stratospheric ozone layer (69 FR 11946), the accompanying regulatory text could be construed as having the opposite effect. Specifically, the final rule's definition of refrigerant at Sec. 82.152 (69 FR 11957) stated that, refrigerant means, for purposes of this subpart, any substance consisting in part or whole of a class I or class II ozone-depleting substance that is used for heat transfer purposes and provides a cooling effect, or any substance used as a substitute for such a class I or class II substance by any user in a given end-use, except for the following substitutes in the following end-uses:

(1) Ammonia in commercial or industrial process refrigeration or in absorption units;

(2) Hydrocarbons in industrial process refrigeration (processing of hydrocarbons);

(3) Chlorine in industrial process refrigeration (processing of chlorine and chlorine compounds);

(4) Carbon dioxide in any application;

(5) Nitrogen in any application; or

(6) Water in any application.

EPA is aware that the above definition of refrigerant could be construed as being at odds with the preamble that discusses the Agency's intent to not restrict the sale of substitutes that do not consist of a class I or class II ODS. The unintentional inclusion of the phrase or any substance used as a substitute for such a class I or class II substance * * *, implies that any substance, including pure HFCs and PFCs, used as a substitute for such a class I or class II substance would be captured under the definition of refrigerant. If left uncorrected, this could create ambiguity about the interpretation of the regulations promulgated at 40 CFR part 82, subpart F (i.e., section 608 regulations) and could have unintended implications on the prohibitions, required practices, and reporting and recordkeeping requirements of the regulations promulgated under section 608 of Title VI of the Clean Air Act (e.g., mandatory certification of technicians servicing appliances using pure HFC refrigerants and a restriction on the sale of HFC substitutes to certified technicians).

Therefore, EPA is correcting the definition of refrigerant by deleting the aforementioned phrase. The corrected definition at Sec. 2.152 reads: Refrigerant means, for purposes of this subpart, any substance consisting in part or whole of a class I or class II ozone-depleting substance that is used for heat transfer purposes and provides a cooling effect. EPA has deleted the text specifying the exempted substitutes (namely, ammonia in commercial or industrial process refrigeration or in absorption units; hydrocarbons in industrial process refrigeration (processing of hydrocarbons); chlorine in industrial process refrigeration (processing of chlorine and chlorine compounds); carbon dioxide in any application; nitrogen in any application; or water in any application). Since these substances do not contain a class I or class II ODS, such a level of specificity is not required within the amended definition.

B. Amendment to the Prohibition Against Venting Substitutes

The correction to the definition of refrigerant requires an amendment to the regulatory venting prohibition at Sec. 82.154(a). The March 12, 2004 amendment to the section 608 regulatory venting prohibition (69 FR 11979) states that, Effective May 11, 2004, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any refrigerant from such appli-

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Suggestions for articles of interest for publication in this newsletter are welcome.

State Board of Refrigeration Examiners
Suite 208, 893 Hwy. 70 W
Garner, NC 27529
Telephone: 919-779-4711
Fax: 919-779-4733
E-Mail: sbre1@bellsouth.net
Website: www.refrigerationboard.org

Modifications to Section 608

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Finally, I want to thank each and every one of you for your determination to abide by EPA's regulations which affect the work you do every day. Your dedication and success are the inspiration for our program. The 608 program is one EPA program that touches people at a grassroots level, and we have found that it provides a very tangible example of how individuals can play a role in protecting the environment. By obtaining your certification, and utilizing recycling equipment, your are single-handedly enhancing the quality of the stratospheric ozone layer. Your efforts over the years have brought about change to our atmospheric conditions, and are correcting the damage which was done to our protective stratospheric ozone layer.

I hope you find this brief update helpful, and I encourage you to check out our website and take a look at the new materials which have been posted on 608 and 609 certification.

Nancy M. Smagin is the 608 and 609 Technician Certification Manager for the U. S. Environmental Protection Agency.

Amendment to the Definition of Refrigerant

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ances. * * * If not addressed, the corrected definition of refrigerant would exclude pure HFC and PFC substitutes \1\ from the venting prohibition, because they do not consist in part or whole of a class I or class II ozone-depleting substance. The preamble to the March 12, 2004, final rule made clear that the Agency intended to exempt certain substitutes, namely, ammonia in commercial or industrial process refrigeration or in absorption units; hydrocarbons in industrial process refrigeration (processing of hydrocarbons); chlorine in industrial process refrigeration (processing of chlorine and chlorine compounds); carbon dioxide in any application; nitrogen in any application; or water in any application (69 FR 11949-54) from the statutory venting prohibition, because their release is adequately addressed by other entities; therefore, their release does not pose a threat to the environment under section 608 of Title VI of the Clean Air Act. However, EPA did not make such a finding for substitutes consisting in part or whole of an HFC or PFC substitute. So it remains illegal to knowingly vent substitutes consisting in part or whole of an HFC or PFC substitute during the maintenance, service, repair, or disposal of appliances (69 FR 11947).

\1\ *As defined at Sec. 82.152, Substitute means any chemical or product, whether existing or new, that is used by any person as an EPA approved replacement for a class I or II ozone-depleting substance in a given refrigeration or air-conditioning end-use.*

In accordance with section 608(c)(2) of Title VI of the Clean Air Act (as amended in 1990), de minimis releases associated with good faith attempts to recapture and recycle or safely dispose of such substitutes shall not be subject to the prohibition. EPA has not promulgated regulations mandating certification of refrigerant recycling/recovery equipment intended for use with substitutes; therefore, EPA is not including a regulatory provision for the mandatory use of certified recovery/recycling equipment as an option for determining de minimis releases of substitutes. However, the lack of a regulatory provision should not be interpreted as an exemption to the venting prohibition for non-exempted substitutes. The regulatory prohibition at Sec. 82.154(a) reflects the statutory reference to de minimis releases of substitutes as they pertain to good faith attempts to recapture and recycle or safely dispose of such substitutes. In order to emphasize that the knowingly venting of HFC and PFC substitutes remains illegal during the maintenance, service, repair, and disposal of appliances and to make certain that the de minimis exemption for refrigerants remains in the regulatory prohibition, Sec. 82.154(a) is amended to reflect the venting prohibition of section 608(c)(2) of the Act. Therefore, the amended definition of refrigerant means that refrigerant releases shall be considered de minimis only if they occur when: (1) The required practices set forth in Sec. 82.156 are observed, recovery or recycling machines that meet the requirements set forth in Sec. 82.158 are used, and the technician certification provisions set forth in Sec. 82.161 are observed; or (2) the requirements set forth for the service of motor vehicle air-conditioners (MVACs) in subpart B (i.e., section 609) of this part are observed. EPA is also specifying, in the regulatory prohibition at Sec. 82.154(a), the substitutes that have been exempted from the statutory venting prohibition. EPA has made this edit in order to clarify which substitutes are exempt from the venting prohibition. Hence, EPA is amending the prohibition at Sec. 82.154(a) to read: (a) Effective June 13, 2005, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environ-

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2005 Refrigeration Up-Date in a Nut Shell

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weather resistant insulation with superior thermal and aging properties.

Baker Distributing Co., Inc. Full service heating, air conditioning, ventilation and refrigeration distributor for equipments, parts an supplies.

Bitzer US, Inc. Manufacturer of refrigeration and air conditioning compressors form 1/2 to 70 HP.

BVA Oils. BVA Oils offers the most complete line of refrigeration lubricants in the industry.

C.C. Dickson. Wholesaler of parts, supplies and equipment for heat, air conditioning and refrigeration.

Cannon Marketing, Inc. Hashizaki Ice Machines, Cuno Water Filtration.

Coastal Reps LLC. Manufacturer's Representative for Russell Coil, Kramer Refrigeration.

ComStar International, Inc. Chemical products for HVAC and Refrigeration systems, water treatments and indoor air quality/odor control.

Chadwick & Associates, Inc. Celebrating 20 years of service and support to the HVAC/R industry.

E.V. Dunbar Co. Manufacturers Rep. For Genetron Refrigerants, Ritchie (Yellow Jacket), Fluke, Diversitech, J.W. Harris, ESAB, Packless, REHVAC.

ESCO Institute, Ltd/ HVAC Excellence. HVAC Excellence—Programmatic accreditation, outcome assessment testing, educator credentialing, technician certification.
ESCO Institute & Press—Textbooks and training CDS, EPA Certification.

Frank Door Co. America's "New Standard" for cold storage doors. Committed to producing and supplying quality cold storage doors, our roots in the business go back more than 35 years.

Freedom Wireless. Cellular phones, service and accessories. Our brands are Nextel, Alltel, Cingular and Cricket.

Greer Systems, LLC. Manufacturers of gas detectors (all refrigerants and gasses), ice thickness detectors, temperature sensors, computer control systems for refrigeration and air conditioning energy management and process control. Provide the best warranty available (3 full years).

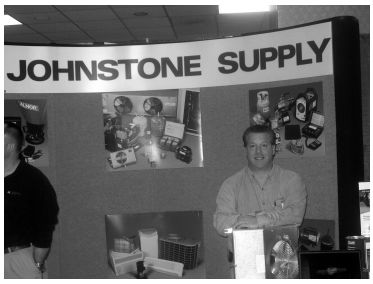
Heatcraft Refrigeration Products, LLC. "The Name Behind the Names You Trust." Bohn, Chandler, Climate Control an Larkin feature the Beacon II Refrigeration Control System.

Hill Phoenix. Major manufacturer of refrigeration display cases, walk-in

coolers and freezers, compressor systems, machine houses and electrical distribution products.

Inficon, Inc. Manufacturer of HVAC & R service tools including leak detectors, recovery units, charging scales and vacuum pumps.

Johnstone Supply. National HVAC/R supplier for over 22,000 products from over 400 of the industry's leading manufacturers.



Knaack/Weatherguard (Pro Sales Co.). Manufacturers of truck and van equipment and jobsite storage.

Kysor Panel Systems/Kysor// Warren. As the largest supplier of walk-in coolers and freezers to the food retail market, Kysor Panel systems coolers and freezers are engineered to exacting standards. Kysor Panel Systems deliver the first time and every time with the quality you want, the service you deserve and the delivery you expect.

Linzmaier & Associates, Inc. Manufacturer Rep.—Aircondex Compressors, Danfoss/Maneurop—Refrigeration controls and compressors.

Mayberry Marketing. Manufacturer Rep. Agency. Appion refrigerant re-

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2005 Refrigeration Up-Date in a Nut Shell

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covery machine and vacuum pump.

Mueller Industries, Inc. Mueller copper tube, copper fittings, refrigeration ball valves, compressor valves, relief valves, check valves.

NuCalgon Wholesaler, Inc. Providing quality products for the air conditioning and refrigeration market.

Parker Hannifin Corporation. With $7.2 billion in annual sales, Parker Hannifin Corporation (PH-NYSE) is a global leader in motion and control technologies. Within the AC & R industries, Parker serves the following market segments: mobile and residential and commercial air conditioning, industrial and commercial refrigeration, supermarket refrigeration, transport refrigeration, reclaim and recovery, food service/ice machines, and appliances. Product lines include filter dryers, solenoid valves, expansion valves, accumulators, ball, check, hand and service valves, pressure regulators, accumulators and more. Product sub assemblies, lean manufacturing analysis, e-business services and just in time delivery complete Parker's package of value added services.

RefPlus USA. Manufacturer of commercial, industrial refrigeration equipment as well as custom refrigeration packages and CEM custom coils.

Shook Manufactured Products, Inc. Fasteners and tools, REMS Plumbing Tools, DigiCool Digital Refrigeration Analyzers.

Spectronics Corporation. Optimax™ super high intensity led leak detection flashlight. Rechargeable with over 6 hours of peak performance.

Sporlan Valve Co. Sporlan provides heat reclaim valves, split condenser valves,, solenoid valves, mechanical EPR valves, mechanical and electronic TXV, catch-all filter driers and mechanical oil regulator floats. When you build your system with Sporlan you get something no other company can provide—the expertise of Sporlan's Supermarket Applications Group, the support of Sporlan's 40 field Sales Engineers, the experience of Sporlan's Technical Support Team, and the availability of Sporlan product at over 1,200 authorized wholesaler locations.

Supermarket Systems, Inc. Zero Zone Refrigeration—Reach-in display cases, refrigeration systems.
EBI/RJ Trausch Inc.—Display case parts, skins to upgrade exteriors.

Tuttle Co. Sealed Unit Parts Co. (SUPCO). Products Rectorseal Corp. Chemical Products Invisible Service Technician (1st Monitor).

United Components.
Armacell—Pipe Insulation.
ICM—3 phase motor protection, components, controls
United Components is a Manufacturer Rep. Agency.

United Refrigeration. United Refrigeration in Winston-Salem and Greensboro, Charlotte and Raleigh. Your complete wholesaler in refrigeration, A/C and heating, equipment and parts. Your Copeland Primesource, Manitowoc Ice Machines and National Refrigerants and Sporlan wholesaler.

MAKE YOUR CALENDAR NOW!!

REFRIGERATION UP-DATE 2006

MARCH 15, 2006

STATE BOARD OF REFRIGERATION EXAMINERS

Suite 208, 893 Highway 70 West
Garner, North Carolina 27529

Phone:919-779-4711
Fax: 919-779-4733
Email: sbre1@bellsouth.net

Amendment to the Definition of Refrigerant

(Continued from page 3)
ment any refrigerant or substitute from such appliances, with the exception of the following substitutes in the following end-uses: (1) Ammonia in commercial or industrial process refrigeration or in absorption units;

(2) Hydrocarbons in industrial process refrigeration (processing of hydrocarbons);

(3) Chlorine in industrial process refrigeration (processing of
chlorine and chlorine compounds);

(4) Carbon dioxide in any application;

(5) Nitrogen in any application; or

(6) Water in any application.

The knowing release of a refrigerant or non-exempt substitute subsequent to its recovery from an appliance shall be considered a violation of this prohibition. De minimis releases associated with good faith attempts to recycle or recover refrigerants or non-exempt substitutes are not subject to this prohibition. Refrigerant releases shall be considered de minimis only if they occur when: (1) The required practices set forth in Sec. 82.156 are observed, recovery or recycling machines that meet the requirements set forth in Sec. 82.158 are used, and the technician certification provisions set forth in Sec. 82.161 are observed; or (2) The requirements set forth in subpart B of this part are observed.

On June 11, 1998, EPA proposed an amendment to the definition of technician to include persons who perform maintenance, service, repair, or disposal that could be reasonably expected to release class I substances, class II substances, or substitutes from appliances into the atmosphere (63 FR 32059). The intent of proposed amendment to the definition was to require section 608 technician certification for persons maintaining, repairing, servicing, or disposing of appliances containing non-exempt substances; however, EPA did not intend to remove the phrase except for MVACS from the definition of technician.

Sec. 82.152 Definitions.

Refrigerant means, for purposes of this subpart, any substance consisting in part or whole of a class I or class II ozone-depleting substance that is used for heat transfer purposes and provides a cooling effect.

Technician means any person who performs maintenance, service, or repair, that could be reasonably expected to release refrigerants from appliances, except for MVACs, into the atmosphere. Technician also means any person who performs disposal of appliances, except for small appliances, MVACs, and MVAC-like appliances, that could be reasonably expected to release refrigerants from the appliances into the atmosphere. Performing maintenance, service, repair, or disposal could be reasonably expected to release refrigerants only if the activity is reasonably expected to violate the integrity of the refrigerant circuit. Activities reasonably expected to violate the integrity of the refrigerant circuit include activities such as attaching and detaching hoses and gauges to and from the appliance to add or remove refrigerant or to measure pressure and adding refrigerant to and removing refrigerant from the appliance. Activities such as painting the appliance, rewiring an external electrical circuit, replacing insulation on a length of pipe, or tightening nuts and bolts on the appliance are not reasonably expected to violate the integrity of the refrigerant circuit. Performing maintenance, service, repair, or disposal of appliances that have been evacuated pursuant to Sec. 82.156 could not be reasonably expected to release refrigerants from the appliance unless the maintenance, service, or repair consists of adding refrigerant to the appliance. Technician includes but is not limited to installers, contractor employees, in-house service personnel, and in some cases owners and/or operators.

• 3. Section 82.154 is amended by revising paragraph (a) to read as follows:

Sec. 82.154 Prohibitions.

(a)(1) Effective June 13, 2005, no person maintaining, servicing, repairing, or disposing of appliances may knowingly vent or otherwise release into the environment any refrigerant or substitute from such appliances, with the exception of the following substitutes in the following end-uses:

(i) Ammonia in commercial or industrial process refrigeration or in absorption units;

(ii) Hydrocarbons in industrial process refrigeration (processing of hydrocarbons);

(iii) Chlorine in industrial process refrigeration (processing of chlorine and chlorine compounds);

(iv) Carbon dioxide in any application;

(v) Nitrogen in any application; or

(vi) Water in any application.

(2) The knowing release of a refrigerant or non-exempt substitute subsequent to its recovery from an appliance shall be considered a violation of this prohibition. De minimis releases associated with good faith attempts to recycle or recover refrigerants or non-exempt substitutes are not subject to this prohibition. Refrigerant releases shall be considered de minimis only if they occur when: (i) The required practices set forth in Sec. 82.156 are observed, recovery or recycling machines that meet the requirements set forth in
Sec. 82.158 are used, and the technician certification provisions set
forth in Sec. 82.161 are observed; or

(ii) The requirements set forth in subpart B of this part are observed.